

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Juniper Networks, Inc. Securities
Litigation

NO. C 06-04327 JW

**ORDER GRANTING DEFENDANT'S
ADMINISTRATIVE MOTION; DENYING
PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT AS
PREMATURE**


Presently before the Court is Defendant Juniper Networks Inc.'s ("Juniper") Administrative Motion to Deny as Premature Plaintiffs' Motion for Partial Summary Judgment Against Juniper Relating to Kriens, Gani, and Berry's Course and Scope. (hereafter, "Motion," Docket Item No. 196.) Defendant contends that Plaintiffs' Motion for Summary Judgment (Docket Item No. 193) is premature, given discovery has only recently begun in this action. (Motion at 1.) Defendant points out that the Court recently denied a its motion for summary judgment based on this exact rationale. (See Docket Item No. 192.)

Upon review of Plaintiffs' pending Motion for Summary Judgment, the Court finds that it is premature. The thrust of Plaintiffs' Motion is to establish Juniper's vicarious liability for the conduct of its former officers, Individual Defendants Kriens, Gani, and Berry. At this time, however, Plaintiffs have not established that Kriens, Gani, or Berry committed any violations of federal securities law. If Plaintiffs are able to establish such predicate wrongdoing on the part of the Individual Defendants, Plaintiffs may then seek to establish Juniper's vicarious liability. Given that

1 factual development is only in its incipient stages, the Court cannot now adjudicate the liability of
2 any Defendant.

3 Accordingly, the Court GRANTS Defendant's Administrative Motion, and DENIES
4 Plaintiffs' Motion for Summary Judgment as premature.

5
6 Dated: February 20, 2009



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: February 20, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
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